

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA	§	
	§	
vs.	§	CRIMINAL NO:
	§	SA19-CR-905 (DAE)
(1) CHRISTOPHER FELIX MONTOYA	§	
	§	

GOVERNMENT'S MOTION TO REVOKE BOND

COMES NOW the United States Attorney for the Western District of Texas, by and through the undersigned Assistant United States Attorney, and files this motion requesting that the Court find that Defendant Christopher Montoya violated the conditions of his pre-trial release, and issue a warrant for his arrest.

I. Defendant's Pending Cases and Bond Conditions

On December 20, 2019, Defendant Montoya was arrested on the instant indictment, which charges him with conspiracy to defraud the United States by paying and receiving illegal healthcare kickbacks. He had his initial appearance that same date, and was released on an unsecured bond. ECF No. 18; Exhibit 1. This bond contained the standard condition that the Defendant not commit any further federal, state, or local criminal offense. *Id.*

On February 5, 2020, Defendant Montoya was indicted separately on docket number SA20-CR-95, which charges him with conspiracy to defraud the United States by transmitting fraudulent prescriptions in exchange for illegal healthcare kickbacks. That matter is pending before the Honorable Fred Biery. The acts involved in this newer indictment pre-date those related to the December 2019 indictment.

On February 10, 2020, Defendant Montoya was arrested and had his initial appearance on SA20-CR-95. During this proceeding, he voluntarily surrendered his DEA registration number,

and signed a form stating that he understood he was not allowed to “order, manufacture, distribute, possess, dispense, administer, prescribe, or engage in any other activities with controlled substances.” Exhibit 2. Montoya was released on another unsecured bond that same day, which again included the standard condition that he commit no further criminal offenses. Exhibit 3.

II. Bond Violations

Defendant Montoya is a licensed physicians assistant who practices in multiple Texas cities including San Antonio and Laredo. Prior to February 10, 2020, he possessed an active and valid DEA registration number that allowed him to prescribe controlled substances under the supervision of a fully licensed doctor. Once he surrendered that registration, however, he no longer held the legal authority to prescribe controlled substances whatsoever. Thus, any prescriptions for controlled substances which he issued after that date would be a violation of both federal (21 U.S.C. § 841(a)(1)) and Texas state law (Penal Code § 481.129(a)-(c)).

In or about September 2020, agents with the FBI and DEA began investigating allegations that Montoya was seeing patients and prescribing controlled substances despite having surrendered his registration to do so. The state of Texas maintains a prescription monitoring program (“PMP”) which keeps data for all controlled substance prescriptions filled within the state, including the prescribing practitioner and their DEA registration number. As of the date of this motion, the PMP report for Montoya’s surrendered registration number (MM1349237) shows that there have been thirty-one prescriptions for controlled substances written using this number since it was surrendered.¹ Exhibit 4.

Agents have obtained copies of the actual prescriptions and underlying medical progress

1. Nine of these controlled substance prescriptions were written and dated February 10, 2020 – the same date that the registration was surrendered. The arrest and initial appearance of Montoya on that date began in the morning and was not completed until late afternoon. It is thus likely that these prescriptions were pre-signed without Montoya having actually seen the patient, which would also constitute an unlawful distribution of a controlled substance.

notes for at least three of the patients listed in the PMP as having been prescribed controlled substances by Montoya. Exhibit 5. Examination of these documents indicates that Montoya personally signed or authorized each of the prescriptions for these patients. The prescriptions involved are for controlled substances including testosterone (Schedule III), tramadol (Schedule IV), and benzodiazepines (Schedule IV). Agents also interviewed at least three patients who have confirmed that their prescriptions were issued by Montoya, after appointments that were performed either in-person or via telemedicine, and did not involve evaluation by any other medical professional. Finally, the agents confirmed that the supervising physician listed in the prescriptions had no involvement with these patients and no role in issuing these prescriptions by examining the underlying medical records and speaking with the physician's office staff.

Based upon the foregoing, it is submitted that there is at least probable cause to find that Defendant Montoya has committed state and federal criminal offenses by prescribing controlled substances on multiple occasions without a valid license to do so. He has therefore violated the conditions of his bond on both of his underlying matters.

WHEREFORE, for the foregoing reasons, the Government respectfully requests that the Court issue a warrant for Defendant Montoya's arrest and either revoke his bond or set a hearing for the purpose of making that determination.

Respectfully submitted,

ASHLEY HOFF
UNITED STATES ATTORNEY

By: /s/ Justin Chung
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of March, 2021, the foregoing GOVERNMENT'S MOTION TO REVOKE BOND was filed electronically through the CM/ECF Document Filing System, which will transmit a copy to all parties.

/s/ Justin Chung
JUSTIN CHUNG
Assistant United States Attorney

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ORDER

CAME TO BE CONSIDERED the Government's Motion to Revoke Defendant Christopher Montoya's Bond in this matter, and the Court finds said motion to be meritorious. The Government's motion is thereby GRANTED.

It is hereby ORDERED as follows:

That a warrant issue for the arrest of said defendant, returnable instant to the San Antonio Division of this Court.

That upon the Defendant's arrest, this matter will be calendared for a hearing to determine whether Defendant's bond should be revoked and Defendant detained pending trial.

SIGNED AND ENTERED this _____ day of _____, 2021.

THE HONORABLE DAVID A. EZRA
SENIOR UNITED STATES DISTRICT JUDGE